

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 692-A
Case No. 89-32C
(PUD & Map @ 1201 K Street, N.W.)
August 5, 1991

The application in Zoning Commission Case No. 89-32C filed on October 13, 1989, requested consolidated review and approval of a Planned Unit Development (PUD) for Lots 825 and 827 in Square 284, located at 1201 K Street, N.W. The applicant also requested a change of zoning from HR/C-3-C to C-4.

The PUD site is bounded by 12th Street, to east; K Street, to the south; a 15 foot wide east-west alley, which bisects the square to the north; and a 12 story, 130 foot office building known as 1275 K Street, to the west. The site encompasses an area of approximately 25,617 square feet and is currently improved with the 28 year old Days Inn Hotel and a four-story commercial building.

The applicant proposed the construction of a 130 foot building for mixed use office and retail and below grade parking. The building will have a gross floor area of approximately 268,617 square feet and a floor area ratio (FAR) of approximately 10.5.

The Hotel Residential (HR) Incentive District permits development incentives for residential and hotel uses only, to a maximum FAR 8.5 and the maximum height permitted by the "Act to Regulate the Height of Buildings", June 1, 1910, as amended, which would allow 130 feet on the subject site. The HR District is mapped in combination with other Districts.

The C-3-C District permits matter-of-right major business and employment centers of medium/high density development including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum FAR 6.5 for commercial and other permitted uses, and a maximum lot occupancy of one-hundred percent.

The C-4 District is the downtown core, comprising the retail and office centers for both the District of Columbia and the metropolitan area, and would allow office, retail, housing and mixed uses to a maximum height of 110 or 130 feet, a maximum lot occupancy of one-hundred percent, and a maximum floor area ratio (FAR) of 8.5 or 10.0, with the maximum height and FAR, dependent upon the width of adjoining street.

The present zoning of the subject property is HR/C-3-C. The

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remainder of the square, excluding the Thomson School property which is unzoned, is zoned C-4.

The site is located within the boundaries of Housing Priority Area B of the then proposed Downtown Development Overlay District "DD" and pursuant to the Office of Planning's DD proposal as set for public hearing, the PUD Site would be permitted a maximum FAR of 9.0 and a height of 130 feet. The proposed DD, as set forth by the Office of Planning requires the site to provide 2.0 FAR of residential uses, of which 1.0 FAR may be located off-site.

By Z.C. Order No. 692 dated April 8, 1991, the Zoning Commission for the District of Columbia denied the application for consolidated review of the PUD and the related zoning change without a hearing.

On May 6, 1991, the applicant submitted a motion for reconsideration of Z.C. Order No. 692, stating that the decision is deficient in the following respects:

1. The property owner was denied due process as a result of the delay in the Zoning Commission's final decision.
2. The Commission's decision was based in part upon the erroneous assumption that there were no proposed housing amenities within the Downtown Development District (DDD).
3. The Zoning Commission's delay of the decision was prejudicial and inconsistent with its actions in prior similar cases.

By letter dated May 10, 1991, Balcor and 13th & K Limited Associates Partnership, through counsel, opposed applicant's motion for reconsideration, arguing that the applicant's three-point submission for reconsideration lacks substance. Furthermore, that the application failed to demonstrate its consistency with the applicable provisions of the Comprehensive Plan and that it would provide future occupants of the site with living or working environment and amenities superior to those that could be achieved by applying other provisions of the Zoning Regulations.

The Zoning Concurred concerned with the opposition and noted that the delay of the case did not violate the due process rights of the applicant. The applicant was instrumental to the delay by submitting additional material that altered the original proposal.

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The Commission could not find any additional information or factors that it had not already considered that warranted granting applicant's motion for reconsideration.

Upon consideration of these reasons set forth therein, the Zoning Commission for the District of Columbia hereby orders that applicant's motion for reconsideration for Z.C. Order No. 692 in Case No. 89-32C be **DENIED**.

Vote of the Zoning Commission taken at its regular public meeting on July 8, 1991 3-2: (William L. Ensign, John G. Parsons, Tersh Boasberg, to deny - Maybelle Taylor Bennett, and Lloyd D. Smith, opposed).

This order was adopted by Zoning Commission at its regular monthly meeting on August 5, 1991 by a vote of 3-2: (Tersh Boasberg, John G. Parsons, William L. Ensign to adopt as amended; Lloyd D. Smith and Maybelle Taylor Bennett opposed).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on AUG 16 1991.



MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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